LEGISLATIVE NOTES AND REVIEWS

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Present Tendencies in Judicial Reform. An attempt to appraise existing forces making for judicial efficiency partakes almost equally of the hazards and the enticements of prophecy. Throughout the evolution of Anglo-American jurisprudence there have been upheavals from which have emerged definite gains for the courts as a practical means for the equitable adjustment of private controversies. Such an upheaval gave birth to the court of chancery and admitted the lucidity and directness of the civil law. Another such upheaval resulted in the substitution of English for the bastard law Latin of court pleadings and process. Such an upheaval came in the State of New York in 1848 when the people, through their legislature, undertook to reform the administration of justice by abolishing archaic forms in favor of common sense. In England the climax of fifty years of agitation was reached with the judicature acts of 1873 and 1875 by which all courts of England and Wales were merged and given concentrated and responsible administrative direction. There is abundant evidence that such another upheaval, now long overdue in the United States, is well under way.

From feudalism to the self-government of the American people in the twentieth century is a long journey. The law and the means for its enforcement have necessarily been found lagging at many places along the road. Progress has been inconstant because it has been in response to conditions of unstable equilibrium due to the discrepancy between the current idea of justice and current practice. At the present time ideals are far in advance of legal justice; in practically every other respect we are a whole generation nearer ideal efficiency than is our judicial system.

In the latter part of the eighteenth century English law had caught up in a measure with social and commercial progress so that Blackstone could record his belief that the English system had attained final form and relative perfection. But the modern world was even then approaching a swirling movement which has constantly accelerated and

is still gaining impetus. So Blackstone's complacent comment served as a text for the first great legal agitator of modern times, Jeremy Bentham, who spent a long career endeavoring to convince the world that existing legal systems, and especially common law procedure, were archaic.

Bentham's campaign did much to encourage experimental legislation and inculcate the idea that codification of unwritten law is a sure step forward. He probably did more than any other individual toward forcing legal leaders to the half-century of reform which finally carried English courts and procedure from obscure, wasteful, medieval methods to a system which stands today as a model of administrative efficiency.

During that period of agitation and change America struck directly at the dead formalism of common law procedure through the Field code, enacted in 1848 in New York, and copied widely by western states. English reformers profited greatly by this innovation. The central ideas of merging law and equity, of abolishing fictions, simplifying language, and subjugating formality to substantial rights they adopted unequivocally. Having done this, they did not stop, but proceeded to create a practical judicial machine and fix responsibility clearly upon this unified court by confirming to it the ancient prerogative of creating and regulating procedure subject only to a small body of statutory rules which deal only with the larger aspects of the subject.

Working with much the same materials English law reformers created an efficient and responsible judicial system while most of our state courts still labor under the disabilities which were prevalent in the mother country fifty years ago. We have constantly tinkered procedural rules during that half-century, in both code States and common law States, but the reconstruction of the political machinery of the judicial branch which is essential to substantial progress has only been begun.

America's legacy of law and procedure was of the sort approved by Blackstone and condemned by Bentham. The creation of state systems of courts under the federal constitution called for political invention. The English court system at that time was highly centralized, too much so for a compact area, and entirely unsuited to one of our broad and sparsely occupied states. In creating the federal court system something had been borrowed from France, where decentralization had been accomplished not long previously. The new state systems show the same influence. The judges of general jurisdiction were required to visit every county seat so that it was only on appeal that it

was necessary for causes to be heard far from the place of their origin. To serve every village in the county and even scattered farm communities the justice of the peace was given civil jurisdiction in small causes. Consistent with the doctrine that ours was a government of laws and not of men this decentralized system was left to run itself in accordance with statutes and common law procedure and practically without any organized responsibility as to administrative functions.

In the early decades of the republic ours was indeed a new world. The shackles of tradition were burst by the forces of freedom, unbounded natural resources and limitless opportunity. In almost every respect the citizens of the new States lived lives different from those lived by their over-sea kinsmen. The need then for a new American law, adapted to changed conditions, was paramount, and the legislative branch was naturally inadequate to the need. The demand for a law of decisions suited to the new environment was often sufficiently urgent to overshadow the rights of individual litigants in a particular cause. It appeared better, in a considerable proportion of causes in a new State, that the parties litigant, or one of them, should suffer in the case at bar, than that all of the people of the State should suffer indefinitely from a rule of law which had become archaic.

This situation tended strongly to make of our higher courts machines for declaring law and gave them a cast which still strongly persists, though the need is today less urgent. It also tended to develop control over the essential judicial acts of trial judges to an extraordinary degree. The typical State judge of *nisi prius* jurisdiction, though almost free from leadership or restraint as to his administrative conduct, is in a very narrow straightjacket with respect to his essentially judicial acts. The slightest infringement of the autocratic domination of the court having power to reverse his decision results inevitably in discipline. The intention has been to leave the trial judge as little room for discretion as possible, so that he will not be affected by the appealing elements of the case at bar, but will decide in accordance with the body of impersonal law laid down for his guidance. When this fact is given consideration with the equally striking facts of political dependence due to short tenure in most of the states, and dependence upon the legislature for the most minute rules of procedure, the vaunted independence of the judiciary is seen to be something from which the trial judge is excluded.

Until the enactment of the Field code in New York in 1848 there had never been any question as to the right of the judicial branch to formulate rules of procedure. For some time prior thereto the common law

procedure in the leading commercial State of the Union had been falling in public estimation. It was inevitable that some such iconoclastic work as David Dudley Field's should be done and it was fortunate that there was one ready to perform this difficult work so well. It was not the author's fault that it fell so far short of attaining the goal of efficiency in the adjudication of private controversies.

Rarely does so much good and so much evil flow from a single enactment. The good has come from complete severance from common law procedure, over-technical, musty, wasteful, and this good is best exemplified in Kansas and Wisconsin, States where the essential idea of the Field code has been preserved. The evil is seen in the dependence upon legislatures for procedural changes, in common law as well as code States. This too was inevitable, doubtless, in view of the flabby nature of judicial organization, and is not to be blamed upon the great codifier. Field produced a code which sought to regulate only the general features of the practice by statute, leaving the courts to control the details by means of rules. This tended to center responsibility upon the courts.

But it was a case of good seed scattered on stony ground. The judges of the State of New York, unable by reason of their decentralized organization to react to the demands of a skeptical, hurrying, practical age, were nevertheless able to defeat the plain intent of the new code. Their minds were trained to respect for formality rather than love of justice. They were jealous of the new system. In a sense a fight had begun between the people, represented by the legislative branch, and their courts, and the former naturally had recourse, more and more, to com-compulsory legislation until finally the original Field code was submerged by the Throop code of 1877, called properly the code of civil procedure, which took from the courts practically all control of procedure and attempted to regulate every detail through statutory enactments. There has not been a year since without amendments to the code of civil procedure. The legislature annually wrestles with problems alien to its experience and responsibility. The courts annually endeavor to assimilate new rules. The code of civil procedure has been well likened to the upas tree which grows roots from the tips of its branches until eventually one tree becomes a jungle.

New York was the first State to appreciate the harmful division of responsibility between the courts and legislature by which the former attempted to administer justice according to several thousand rules laid down by the latter. In 1899 a committee on law reform of the State

Bar Association recommended "a simple practice act containing the more important provisions of the present code rearranged and revised, supplemented by rules of court."

Gradually the need for restoring to the courts their common law responsibility for regulating procedure by rules of court was realized elsewhere throughout the country. In the common law State of Michigan for instance it was discovered recently by a commission directed to consolidate and revise the statutory procedure that there were over 2700 sections of statutory law. The same commission illustrates the inefficacy of statutory procedure by the struggles of the legislature through five successive sessions to frame rules for chancery appeals. Finally the legislature gave up in despair and directed the supreme court to do the work. There has been no trouble since, and whether this happy result is due to the intrinsic superiority of the judges as draftsmen, or to parental charity towards the court's own offspring, it is not necessary to determine.

In 1909 the American Bar Association's Committee to suggest remedies and formulate laws reported in favor of a short practice act dealing with the larger procedural matters, and leaving the details to rules which the courts would have the power to alter as needed.

More recently the bar associations of several States have backed plans embodying this idea. While there had been little real gain in legislative chambers there has been notable progress in convincing the profession that the delicate structure of judicial procedure must be freed from the crude hand of the legislator. There is more to this than the mere matter of skill in drafting. Courts will always construe the mandates of an alien power narrowly and jealously. To compel judges to do thus or so is practically impossible, and the result is sure to be the piling up of a great mass of rules which will prevent them from doing, in many instances, that plain and simple justice which they would like to do. It results further in multiplying opportunities for trying incidental issues so that the energies of litigants, lawyers, and courts are wasted and substantial justice languishes.

The point is important also because if courts are to be permitted and required to regulate procedure in the interest of substantial justice as against time and energy squandered in warring over formalities, they will necessarily have to develop some administrative faculty. It is obviously unfair to expect the average State supreme court to succeed in formulating the rules of all the courts of the State. There are two reasons for being skeptical of success; in the first place supreme court

judges are almost universally overworked as it is, and secondly they are men trained not to administrative, but to academic, duties.

It is not unlikely that several States will act upon this principle, and then the need for adequate machinery will be exposed. It would seem that the rule making power, implying a large scope for administrative orders, so that judges will be chosen for specialized work, should be vested in an administrative board similar in makeup to the judicial council of the English court system. Such a council should be composed of the presiding justices of the several divisions of the State judiciary.

Restoring the rule-making power, though important, is after all only one step in the direction of making the judges of the typical State all parts of a unified, coördinated, and responsible body for the administration of justice. The American people have distrusted their judges and have taken from them one element after another of independence until they have left them judges in name only. It is not necessary to determine whether this jealousy of judicial power and autonomy was due to unfit service, or whether unfit service has been due solely to this deprivation of power and responsibility. It is apparent that they make a vicious partnership.

The general unfitness of State judicial organizations to the needs of the times is more emphatic than is generally realized. We live in an age of tremendous social and commercial forces. Organizations have been created to monopolize the means for existence. To cope with such potent bodies a powerful judiciary is necessary. In this field the States have quite generally failed. That there must inevitably be a building up of a competent judiciary is a plausible belief. The nucleus of the new order is in fact already in existence and doing valiant service.

Even before the storm of criticism burst upon American courts the new idea had been given birth. It naturally came at the place where the need was most insistent, in the large city. Ten years ago the administration of justice was as ineffectual in Cook County, Illinois, as anywhere in the civilized world. The courts of general jurisdiction, owing to lack of organization and administrative control, to an antiquated procedure overlaid by a great body of highly technical decisions, and by the sensational increase in the volume of business, had become two or three years in arrears, so that commercial interests suffered severely. An equally great evil existed in the mal-administration of justice by a number of the fifty-four justices of the peace and the one hundred constables. Under an amendment of the Illinois constitution it became possible to devise a municipal court for the city of Chicago. The intention was to

relieve the *nisi prius* branch of a share of its commercial causes and to abolish the justices of the peace and police magistrates. To accomplish this the new municipal court was given unlimited jurisdiction in contract causes, and jurisdiction in tort actions to $1000. Its criminal jurisdiction was the same as that of the magistrates displaced, namely, to try in cases of misdemeanor and to examine in cases of felony. No chancery jurisdiction was conferred.

The new court was provided with twenty-seven judges and a chief justice. It was created unlike any existing court in this country and this was due in part to the fact that three business men served on the committee which employed the draftsmen. The court was given an organization centering responsibility and administrative control just as would be done in a commercial concern, and provision was made for statistics and publicity. The act declared that the chief justice "shall have the general superintendence of the business of said court; he shall preside at the meetings of the judges, and he shall assign the associate judges to duty in the branch courts, from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be assigned. . . . . The chief justice shall also superintend the preparation of the calendars of cases for trial in said court, and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. Each associate judge shall at the commencement of each month make to the chief justice under his official oath, a report in writing of the duties performed by him during the preceding month, which report shall specify the number of days' attendance in court of such judge during such month, and the branch courts upon which he has attended, and the number of hours per day of such attendance . . . . It shall be the duty of the chief justice and the associate justices to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated by the chief justice, and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto, and they shall have power, and it shall be their duty to adopt or cause to be adopted

all such rules and regulations for the proper administration of justice in said court as to them may seem expedient."

The foregoing provisions mark the beginning of the new era of responsible judicial administration. They created a wieldy body of judges subject as to administrative acts to a single mind. The head of the court was given power to create such branch courts as he might at any time consider necessary. From the entire body of judges he can at all times choose the one best suited to any particular work. The court is given full power, subject to comparatively few regulations in the act, to create its own procedural rules and adopt such administrative orders as appear necessary. The judges are required to meet together to pass upon current business and more particularly to consider all complaints which may be presented.

The act also provided for economical operation by permitting abbreviated orders, so that records are kept on a card catalogue basis.

The opportunity afforded for doing notable work permitted of securing an ambitious, high powered and high priced man for chief justice; he was able, under the convention system of nominating then in vogue, to assist materially in selecting the candidates for the first quota of twenty-seven associate judges on the winning ticket, so the new court was started under favorable auspices.

It was a big task at that. Almost from the start the court was loaded up with business, and a world of work had to be done swiftly and accurately to get this business organized and systematized. The chief justice and friends of the court had alterations made to 44 of the 67 sections of the act at the outset. At the end of two years the court undertook to create a simple, sensible, reform procedure for its first class civil actions to take the place of a system which had undergone slight change since the reign of Queen Anne.

One of the associate judges spent six weeks in the London courts; based upon his report a few rules were drafted which served to revolutionize the knotty problems of pleadings. The plaintiff was required, in lieu of the highly technical common law declaration, to state under oath, and in plain language, the nature of his claim, and the defendant was required to show, in his answer, briefly and under oath, facts tending to prove a meritorious defense. This simple procedure lifted from the commercial life of the second city of the Western world the incubus which had ridden it for decades.

One of the omissions in the act was supplied by Chief Justice Harry Olson, who compiled full statistics of all branches and published them

in an annual report. Subsequently the act was amended to make this work mandatory. The annual reports make a unique and invaluable contribution to the public records of Chicago and to the history of judicial administration.

Specialization was of course utilized from the start, as both civil and criminal causes were included in the business of the court. In civil causes special branches were created for (a) quasi-criminal and citations; (b) forcible entry and detainer; (c) attachment, garnishment, and replevin. The economy of administration at a centralized branch under an expertly selected judge was so conspicuous as to indicate further development of the principle. At that time, in Chicago and in every other city in the country, such semi-related matters as those arising from non-support, desertion, illegal parentage and offenses against minors were dealt with as misdemeanors in the police courts. Intelligent and uniform treatment was impossible. In fact nobody had conceived of them as allied causes all of which affect the family. Nobody had devised a method for treating such causes more seriously than other misdemeanors. So the branch court of domestic relations was an invention, illustrating how improved methods of administration arise naturally when responsibility and power to function are centered in a conspicuous manager. This legal invention was a tremendous success from the beginning. Its best praise is probably its briefest, that it serves to bring families together which under the former regime were forced asunder by the courts.

Each year since has seen some notable addition to the list of specialized branch courts created by the fiat of Chief Justice Olson. The speeders' court collected $10,000 in fines in sixty days and put the breath of life into traffic statutes and ordinances which were hardly enforceable before. Next came the morals branch court to which are taken all the women arrested for offenses against chastity. For the first time an intelligent policy toward these unfortunates became possible, so that the court was no longer allied with vicious elements in bleeding society's victims.

The boys' court promises to be the greatest of the special branches, as it fills the gap between the juvenile court and the regular criminal court. It takes first offenders at the critical age, segregates them from confirmed criminals, and saves as much as possible for useful citizenship.

The small claims court is the latest specialized branch, starting with a civil jurisdiction of $35 and under. In this branch court the little

lawsuits of the community are given a speedy adjudication by a competent and respected judge. Procedure is absolutely informal. Parties do not need lawyers to get justice. The judge examines the witnesses, makes a finding of fact and awards judgment in accordance with law so efficiently that for the first time real justice is possible in causes which cannot bear the expense of jury trials. A brief experience with this innovation indicates that the jursidiction should be greatly extended and that the mere existence of such a practical tribunal results in the paying of bills and the automatic reduction of controversies.

This remarkable court has added to its triumph by calling to its aid the newest of sciences and establishing a psychopathic laboratory. If the percentage of feeble-minded is the same in Chicago as is predicated generally, from 2 to 3 per cent, there are from 50,000 to 75,000 subnormal minds, and if this is so it is not surprising, in view of the fierce competition of metropolitan life, that a considerale number of those arraigned for offenses of various kinds should be among those classed as permanently feeble-minded. For such offenders the conventional fine or short imprisonment is entirely ineffectual; some change of environment which will relieve the individual of responsibilities too severe for his mentality and will power is indicated. Before long it will be possible to sentence these psychopaths to rural industrial colonies where they can live happy and useful lives. The first year's study has shown that a considerable proportion of all offenders are of this class, not actively criminal, but simply unable because of brain lesions to live up to the multitudinous regulations of metropolitan society.

Reference has been made already to the thorough organization, under the American system, of responsibility for the exercise of the essential judicial function. In this respect the associate judges of the municipal court of Chicago are on the same footing as other trial judges. They must yield to the decisions of the appellate and the supreme courts of the State. But unlike the other judges, they are subject to administrative direction as well. They must occupy the branch court to which they are assigned by the chief justice and must report to him monthly as to the amount of time devoted to their duties. Complaints concerning their work may at any time be lodged with the chief justice and may even become the subject of discussion at a meeting of the court.

Some will say that this strips the judge of all independence and others will add that it is humiliating. But it must be noted that the chief justice has absolutely no authority except in the administrative

field. He cannot control a decision in a given cause; a mere hint that he would like to have an associate judge decide thus or so would start a scandal which would ruin the chief justice.

In return for the administrative freedom, or lawlessness, of the typical trial judge, these associate judges participate in the strength and the victories of a powerful and successful organization. Any one of them alone, being but one judge out of three-score and ten in one county, would be insignificant. As a member of the municipal court every judge, just so long as he serves faithfully, has the backing of a strong institution. In so far as he wants to serve efficiently, he is more independent than the isolated and uncontrolled judge, for the latter is frequently rendered pitifully dependent by the futility of his work under a system that lacks coördination and that prevents him, however hard he may work, from keeping his docket from becoming congested.

Powerful as this court is, the slightest complaint made in good faith receives attention. Never before have the people had a really democratic court. An associate judge complained of is given a chance to explain away the complaint as he ordinarily can do readily enough. If he cannot he is given an opportunity to make amends. As long as he shows a right spirit the affair is a secret between himself and his superior. This dependence upon the success of the entire court makes every associate judge jealous of its reputation, so that self-discipline practically relieves the chief justice from the seemingly difficult task of censorship. The very judges who would be least dependable if not subject to discipline are the ones who most look up to the chief justice to extend to them a fatherly charity upon occasions.

With more than 160,000 causes per annum the Chicago municipal court, now increased to thirty-one members, keeps abreast of its calendar. Its money judgments exceed those of all the other courts of the entire State of Illinois, and are greater even than the judgments of the high court division of England and Wales, serving a commercial people numbering about thirty millions.

There is no pretense however that the administration of justice in Cook County is on an ideal plane. On the criminal side it is quite the contrary. The municipal court can do no more in felony cases than hold respondents to the grand jury. In such causes responsibility is divided between the municipal court, the state's attorney, the grand jury, and the criminal court. After the municipal court judge has found probable cause for believing the respondent guilty the powers of darkness and irresponsibility rule. Only 10 per cent of such persons

held for trial are convicted, and half of this number then receive sentences within the jurisdiction of the municipal court judge. That is why Chicago, with machinery capable of doing its criminal court work capably, is still infested with "dips" and "stickup" men.

There is no pretence that the municipal court is perfect. The offices of chief clerk and chief bailiff are elective and to a considerable extent beyond control of the judges, so that more employes are carried than are necessary. Few clerks and bailiffs receive more than $1200 a year. Judges are paid $6000. And yet the average cost per case for clerk hire, and the average cost for bailiff's services, are greater than the cost for the judge's services. In most courts there is of course no means for making a comparison.

The most serious defect in the court is the brevity and uncertainty of tenure and the irresponsible method of selecting judges under the direct primary system of nominating. The first judges of the court were hand-picked. They made a great team. Most of them are gone, and places now are filled by the choices of three-fourths of a million voters. Blind chance plays too great a part in this game. One of the court's best judges was defeated for reelection in 1914 and in 1915 was returned to the court with a majority of 139,000 votes.

It is not claimed either that the extreme form of concentrated authority is ideal. To direct personally the work of thirty associate judges, serving in a dozen branches, and to act as intermediate with the public, the press, the legislature, the city council, the party committees, and half a hundred voluntary social organizations, is too heavy a load for any ordinary chief justice. The court should have several permanent divisions, each with its presiding justice, and these heads of divisions should constitute, with the chief justice, a judicial council, or governing board. The chief Justice should preside over the deliberations of the council and should execute its orders.

But the main fact is that the machine works. Grant that it took an exceptional man to develop this judicial innovation, and it can still be maintained that the ideal organization, as briefly outlined, would permit of comparatively efficient work even by mediocrity. But courts which have organized administrative responsibility become successful to such a degree that they attract ambitious men. Given a sensible means of selecting judges and they will command the highest talent in the legal profession. In a very large city the form of selection should undoubtedly be appointment by the chief justice, the man who has continuing responsibility for the efficient functioning of the appointee.

This is perfectly in accord with short ballot principles, for the entire electorate could wisely select the one local judicial manager, chosen especially for his administrative ability, and he would not only have the best knowledge of the fitness of available candidates, but would have the highest motive for wise selection. This does not mean necessarily life tenure; there is no reason why, after a probationary term, the people should not vote upon the continuance in office of suchappointees. It might also imply selection from a public eligible list made up by the judicial council. Under such a plan the term of the chief justice would be short, say four years. Present experience makes it comparatively easy to formulate a scheme of organization which will produce a court tractable to public opinion, subservient to appellate courts, and independent in the face of anti-social forces.

The Chicago court idea has influenced court reorganization in a number of the larger cities, but in every case the *nisi prius* bench has escaped inclusion. This is only a temporary phenomenon, probably, because in every instance these new courts are successful, and their success points clearly to the need for complete unification and complete administrative control.

The idea has even greater application. Specialization becomes more and more necessary as our law becomes broader and our civilization more diversified. To meet this need with specialized tribunals is to divide judicial power into so many rigid and uncommunicating receptacles that efficiency will be hopeless. There must be specialization, but it must be subject to conscious and expert management; must be secondary to unification. Metropolitan needs are most insistent, but specialized judges will soon be demanded outside of the large cities, and the need can be met only by state-wide unification and administrative control. In the average State the task of directing the entire judicial machine would be no more difficult than is Chief Justice Olson's task. This business management of the courts will not be in conflict with the judicial management already so thoroughly worked out. It will be supplemental, not competitive. It is only along this line that the power of the courts can be increased, making them adequate to modern needs, and at the same time insuring their amenability to popular demands. The people will give power to judges who are subject to discipline, and not to irresponsible judges. This discipline can be of the kill-or-cure variety implied by the judicial recall, or it can be of the constructive, prophylactic, continuing kind which is found necessary to success in commercial enterprises.

The issue thus seen is between political and judicial methods which have broken down under the stresses of modern life, and business methods which have been evolved amidst these same forces; it is the issue between efficiency and pseudo dignity, between medieval mystery and the spirit of modern service.

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Legislative Reference for Congress. During the past fiscal year the Library of Congress has had available an appropriation for legislative reference service. Such a service is familiar in the several States in connection with the work of the state legislatures. Experiment of it in connection with a national legislature is novel.

The appropriation read "to enable the librarian of Congress to employ competent persons to prepare such indexes, digests and compilations of law as may be required for Congress or other official use;" and the sum granted was a lump sum—$25,000. The description, however, of the service as the preparation of "indexes, digests and compilations of law" was merely by way of coupling the undertaking with one maintained previously for a half dozen years (1906–1911) under this phraseology, and thus to avoid a point of order against the item as "new legislation." The result of the earlier work, done under a much smaller grant, was the preparation merely of an index to the general and permanent law in the federal statutes down through 1907. In reviving the phraseology, the proposers of the new undertaking had no thought of limiting the field to law nor the product to indexes, digests and compilations, though the last term is broad enough to include almost every kind of a statement that would be prepared by a Legislative Reference Bureau. They had in mind a situation that confronts every legislative body: the need of data[1] sought out, digested and brought to bear upon a particular subject. The amount of such data to be considered in the adequate determination of legislation for a State is no small one,

[1]The "data" furnished by a legislative reference bureau are of course only such as may be yielded by material in print, i.e., secondary sources. They are not sought in the field or laboratory as are the data sought by an investigating commission, such as that on industrial relations. A legislative reference bureau undertaking original investigations of this latter sort—e.g., by taking testimony or canvassing for mere opinion—runs the peril of two criticisms: (1) of embarking in projects for which it is not equipped and (2) of promoting mere partisanship.